

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CRYSTAL D. COOK HARRISON,
Plaintiff,

-v-

OLD REPUBLIC INSURANCE
COMPANY, *et al.*,
Defendants.

22-CV-3279 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On April 20, 2022, Defendant removed this case to this Court from New York Supreme Court, Queens County, invoking federal diversity jurisdiction pursuant to 28 U.S.C. § 1332. (Dkt. No. 1.) Defendants’ removal of this case to the United States District Court for the Southern District of New York was improper, however, because “[c]ases may be removed from state court only ‘to the [federal] district court . . . for the district and division embracing the place where such action is pending.’” *Jackson v. City of New York*, No. 07 Civ. 519, 2007 WL 1871511, at *1 (E.D.N.Y. June 28, 2007) (quoting 28 U.S.C. § 1441(a)). New York State Supreme Court, Queens County, is located within the Eastern District of New York. *See* 28 U.S.C. § 112(c) (“The Eastern District comprises the counties of Kings, Nassau, Queens, Richmond, and Suffolk . . .”).

Accordingly, the Court hereby transfers this case to the United States District Court for the Eastern District of New York pursuant to 28 U.S.C. § 1406(a) because “[r]emoval of an action to an improper district is not a jurisdictional defect, but is akin to an improper venue situation,” *Jackson*, 2007 WL 1871511, at *1 (internal quotations omitted), and “[a]n improper designation of venue may be remedied by transferring the action to the proper district,” *St. Paul Fire & Marine Ins., Co. v. Architron Designers and Builders, Inc.*, No. 05 Civ. 1872, 2007 WL

757910, at *1 (E.D.N.Y. Mar. 8, 2007). *See Ullah v. Fed. Deposit Ins. Corp.*, 852 F.Supp. 218, 221 (S.D.N.Y.1994) (“Improper removal to this district of a state court case pending in the Eastern District of New York does not compel remand of the case to the state court so that it can then be removed to the Eastern District. That would bring about additional delay and expense while serving no useful purpose.”).

The Clerk of Court is directed to remove this case from this Court’s docket and transfer it to the United States District Court for the Eastern District of New York.

SO ORDERED.

Dated: April 22, 2022
New York, New York



J. PAUL OETKEN
United States District Judge